

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 18, 2015
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Mullane, Fogle, Schrader, and Genewick.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

111815.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of November 4, 2015 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

11/4/15 New York State Office of the State Comptroller – review of the City’s budget for the 2016 fiscal year. Referred to the Committee of the Whole

11/4/15 Ken Genewick, Co-Race Director, Great Lake Racing LLC, 38 Harrison Avenue, Lockport, NY – request permission to use the facilities at Widewaters Marina for the 2016 Beast of Burdon Ultra Marathon Race Series. Referred to the Committee of the Whole

11/12/15 Neal Turvey, Niagara Jr. Thunder Wolves, 6603 South Transit Road, Lockport, NY – request permission to use the baseball diamonds at Outwater Park for their 2016 Battle at the Falls Tournaments. Referred to the Committee of the Whole

11/16/15 Steve Bueme, Owner of Lockport Express Jr. A hockey team, 34 Chestnut Street, Lockport, NY – request permission to park the Lockport Express bus in the city parking lot across from City Hall for promotional purposes. Referred to the Committee of the Whole

Notice of Defect:

10/29/15 31 Pennsylvania Avenue – trees

11/2/15 62 Trowbridge Street – tree

11/2/15 677 Walnut Street – sinkhole

11/4/15 59 Grant Street – tree

Referred to the Director of Streets and Parks.

Notice of Claim:

10/28/15 Progressive Insurance Company subrogation claim for Joshua Reed
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

111815.2

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on November 20, 2015 as follows:

General Fund	Account #001	\$103,079.29
Water Fund	Account #002	\$ 31,622.34
Sewer Fund	Account #003	\$ 33,646.80
Capital Projects	Account #004	\$ 39,045.08
Refuse Fund	Account #012	\$ 90,199.95
Payroll	Pay Date 11/5/15	\$ 497,447.86

Seconded by Alderman _____ and adopted. Ayes _____.

111814.3

By Alderman Genewick:

Resolved that the following Local Law be and the same is hereby adopted:

City of Lockport

Local Law No. 2 of the year 2015

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Be it enacted by the Common Council of the City of Lockport as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Lockport to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Lockport, County of Niagara, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Seconded by Alderman _____. A roll call vote was taken which resulted as follows:

Alderman Fogle	VOTING	_____
Alderman Genewick	VOTING	_____
Alderman Kibler	VOTING	_____
Alderman Lombardi	VOTING	_____
Alderman Mullane	VOTING	_____
Alderman Schrader	VOTING	_____

The Local Law was thereupon declared duly adopted.

111815.4

By Alderman Genewick:

WHEREAS, section 155-7 A (Solid Waste) of Chapter 158 of the City Code states that unpaid residential and commercial user fees for collection of refuse and recycling shall be the personal liability of the owner, and

WHEREAS, any delinquent assessment, penalty, charge or fee remaining unpaid by May 15 is added to the upcoming year's tax bill for the parcel of property against which it is a lien, and

WHEREAS, the amount added to taxes shall include late payment charges accrued through June 30 plus an additional administrative charge equal to \$15 for each delinquent account, and

WHEREAS, late payment charges shall not continue to accrue after June 30 against any assessment, penalty, charge or fee which is added to taxes, and

WHEREAS, the City Treasurer will submit to the City Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes, and

WHEREAS, upon receipt of such delinquent amounts the Council must hold a public hearing, and

WHEREAS, after making any amendments or corrections to the list of delinquent accounts the Common Council will by resolution confirm said amounts, and

WHEREAS, upon confirmation of said amounts the City will insert the delinquent accounts in the annual tax rolls and which shall become a part of the annual tax upon the respective parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter

NOW THEREFORE BE IT

RESOLVED, that the Corporation Counsel is hereby authorized and directed to prepare a resolution listing the re-levies and the dollar amount to be added to the tax rolls, and be it further

RESOLVED, that a public hearing be held at the Common Council meeting on Wednesday, December 2 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York relative to said resolution for relevy, and be it further

RESOLVED, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman _____ and adopted. Ayes _____.

111815.5

By Alderman Genewick:

Resolved, that the City tax budget for fiscal year 2016, containing appropriations for operating City departments, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2016 GENERAL FUND BUDGET SUMMARY

Budget Appropriations:

Personal Services	\$ 10,548,908.00
Equipment	281,550.00
Contractual	1,909,981.00
Fringe Benefits	8,558,880.00
Undistributed	1,180,085.00
Debt Service	989,450.00

Total Appropriations: \$ 23,468,854.00

LESS: Estimated Revenues: 23,468,854.00

Estimated Fund Balance: 0

Amount to be raised through property taxation: \$ 11,923,026.00

Assessed Valuation: \$701,588,943.00

REAL PROPERTY TAX RATE: \$ 16.99 per \$1,000 ASSESSED VALUATION

Seconded by Alderman _____ and adopted. Ayes _____.

111815.6

By Alderman Schrader:

Resolved, that the City of Lockport 2016 Sewer Fund Budget containing appropriations for operating the City's Wastewater Treatment and Compost Facility, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2016 SEWER FUND BUDGET SUMMARY

Appropriations:

Personal Services	\$1,126,674.00
Equipment	24,000.00
Contractual	943,025.00
Fringe Benefits	1,044,230.00
Debt Service	795,791.00
Special Items	52,750.00
Interfund transfer – general	60,000.00

Total Appropriations: \$ 4,046,470.00

Estimated Revenues: \$ 4,046,470.00

Seconded by Alderman _____ and adopted. Ayes _____.

111815.7

By Alderman Genewick:

Resolved, that the City of Lockport 2016 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2016 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY

Appropriations:

Personal Services	\$ -
Equipment	-
Contractual	1,094,961.00
Fringe Benefits	-
Debt Principal	232,039.00
Interfund	30,000.00

Total Appropriations:	\$ 1,357,000.00
Estimated Revenues:	\$ 1,357,000.00

Seconded by Alderman _____ and adopted. Ayes _____.

111815.8

By Alderman Schrader:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Express to park a bus in the city parking lot across from City Hall to promote Lockport Hockey Day from November 22, 2015 until December 6, 2015. Said permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman _____ and adopted. Ayes _____.

111815.8A

By Alderman Schrader:

Resolved, that the Chief Water Treatment Plant Operator is hereby authorized and directed to prepare bid specifications for water meters, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman _____ and adopted. Ayes _____.

111815.8B

By Alderman Schrader:

Resolved, that resolution #110415.6E adopted by the Common Council at their November 4, 2015 meeting, regarding amending resolution 020415.5B (Bond Ordinance), be and the same is hereby rescinded.

Seconded by Alderman _____ and adopted. Ayes _____.

111815.8C

The following ordinance was offered by Councilmember _____, who moved its adoption, seconded by Councilmember _____, to wit:

BOND ORDINANCE DATED NOVEMBER 18, 2015.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$89,400 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE RECONSTRUCTION OF CLARIFIERS AT THE WASTEWATER TREATMENT PLANT, IN AND FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in a significant environmental effect; and

WHEREAS, it is now desired to authorize additional bonds for the financing thereof, NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the reconstruction of clarifiers at the Wastewater Treatment Plant, including improvements and expenses in connection therewith, in and for the City of Lockport, Niagara County, New York, there are hereby authorized to be issued an additional \$89,400 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$298,000.

Section 2. The plan for the financing of such \$298,000 maximum estimated cost is as follows:

- a) By the issuance of the \$208,600 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated February 4, 2015; and
- b) By the issuance of the additional \$89,400 bonds of said City herein authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from May 28, 2015, the date of the first bond anticipation note issued therefor pursuant to the aforesaid bond ordinance dated February 4, 2015.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Treasurer, the chief fiscal officer. such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds,

prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Treasurer shall determine.

Section 9. The City Treasurer is hereby further authorized, at his sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Alderman Fogle	VOTING	_____
Alderman Genewick	VOTING	_____
Alderman Kibler	VOTING	_____
Alderman Lombardi	VOTING	_____
Alderman Mullane	VOTING	_____
Alderman Schrader	VOTING	_____

The ordinance was thereupon declared duly adopted.

111815.8D

By Alderman Kibler:

Resolved, that resolution 110415.6Dbe amended as follows (changes are in bold):

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Chapter 158, Streets and Sidewalks §158-17 Cleaning of sidewalks; penalty, and be it further

Resolved, that a public hearing be held at the Common Council meeting of ~~November 18, 2015~~ **December 2, 2015** starting at approximately 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman _____ and adopted. Ayes _____.

111815.8E

By Alderman _____:

Whereas, the City has received a grant for new Self Contained Breathing Apparatus (SCBA); and

Whereas, the Fire Department let a Bid by invitation on July 20, 2015 for outfitting the Department with Scott Air-Pak X3 4500 SCBA equipment and,

Whereas, two bids were received and opened on July 27, 2015; the lowest being DIVAL Safety and Supplies; now therefore be it

Resolved, that the City Council hereby awards the SCVA bid to DIVAL Safety and Supplies, 1721 Niagara Street, Buffalo, NY 14207 in the amount \$140,000 to be paid from account #001-3410-0260 Public Safety Equipment.

Seconded by Alderman _____ and adopted. Ayes _____.

111815.9

ADJOURNMENT

At _____ P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, December 2, 2015.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk